

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1118 be amended to read as follows:

- 1 Page 21, delete lines 36 through 42, begin a new paragraph and
2 insert:
3 "SECTION 46. IC 7.1-3-22-4 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. ~~Dealers' Permits~~
5 ~~Limited.~~ (a) The commission may grant: ~~only~~
6 (1) one (1) beer dealer's permit ~~and in an incorporated city or~~
7 ~~town that has a population of less than fifteen thousand one~~
8 ~~(15,001) for each two thousand (2,000) persons, or fraction~~
9 ~~thereof, within the incorporated city or town;~~
10 (2) in an incorporated city or town that has a population of
11 more than fifteen thousand (15,000) but less than eighty
12 thousand (80,000):
13 (A) one (1) beer dealer's permit for each three thousand
14 five hundred (3,500) persons, or a fraction thereof; or
15 (B) eight (8) beer dealer's permits;
16 whichever is greater, within the incorporated city or town;
17 and
18 (3) in an incorporated city or town that has a population of at
19 least eighty thousand (80,000):
20 (A) one (1) beer dealer's permit for each six thousand
21 (6,000) persons, or a fraction thereof; or
22 (B) twenty-three (23) beer dealer's permits;
23 whichever is greater, within the incorporated city or town.
24 (b) The commission may grant:
25 (1) one (1) liquor dealer's permit in an incorporated city ~~or town~~
26 ~~or unincorporated town that has a population of less than~~
27 ~~fifteen thousand one (15,001) for each one two thousand five~~
28 ~~hundred (1,500) (2,000) persons, or fraction thereof, within the~~
29 ~~incorporated city or town; or unincorporated town;~~
30 (2) in an incorporated city or town that has a population of
31 more than fifteen thousand (15,000) but less than eighty

thousand (80,000):

(A) one (1) liquor dealer's permit for each three thousand five hundred (3,500) persons, or a fraction thereof; or

(B) eight (8) liquor dealer's permits;

whichever is greater, within the incorporated city or town; and

(3) in an incorporated city or town that has a population of at least eighty thousand (80,000):

(A) one (1) liquor dealer's permit for each six thousand (6,000) persons, or a fraction thereof; or

(B) twenty-three (23) liquor dealer's permits;

whichever is greater, within the incorporated city or town.

(c) The commission may grant only one (1) beer dealer's permit and one (1) liquor dealer's permit in an area in the county outside an incorporated city or town for each two thousand (2,000) persons, or fraction thereof, within the area in a county outside an incorporated city or town.

(d) Notwithstanding subsections (a), (b), and (c), the commission may renew or transfer a beer dealer's or liquor dealer's permit for a beer dealer or liquor dealer that:

(1) held a permit before July 1, 2008; and

(2) does not qualify for a permit under the quota restrictions set forth in subsection (a), (b), or (c).

(e) Notwithstanding subsection (a) or (c) and subject to subsection (g), the commission may grant not more than two (2) new beer dealer's permits or five percent (5%) of the total beer dealer permits established under the quota restrictions set forth in subsection (a) or (c), whichever is greater, for each of the following:

(1) An incorporated city or town that does not qualify for any new beer dealer's permits under the quota restrictions set forth in subsection (a).

(2) An area in a county outside an incorporated city or town that does not qualify for any new beer dealer's permits under the quota restrictions set forth in subsection (c).

(f) Notwithstanding subsection (b) or (c) and subject to subsection (g), the commission may grant not more than two (2) new liquor dealer's permits or five percent (5%) of the total liquor dealer permits established under the quota restrictions set forth in subsection (b) or (c), whichever is greater, for each of the following:

(1) An incorporated city or town that does not qualify for any new liquor dealer's permits under the quota restrictions set forth in subsection (b).

(2) An area in a county outside an incorporated city or town that does not qualify for any new liquor dealer's permits under the quota restrictions set forth in subsection (c).

(g) To grant additional permits under subsection (e) or (f), the

- 1 **commission shall:**
- 2 **(1) investigate the desirability of the permit by considering:**
- 3 **(A) whether there is a need for the services at the**
- 4 **requested location of the dealer permit;**
- 5 **(B) the desire of the neighborhood or the community to**
- 6 **receive the services;**
- 7 **(C) the impact of the services on other businesses in the**
- 8 **neighborhood or community; and**
- 9 **(D) the impact of the services on the neighborhood or**
- 10 **community; and**
- 11 **(2) consider the increase or decrease in population in the**
- 12 **incorporated city or town since the last decennial census."**
- 13 Delete pages 22 through 23.
- 14 Page 36, line 29, strike "December 31, 2010." and insert "**December**
- 15 **31, 2011."**
- 16 ReNUMBER all SECTIONS consecutively.
- (Reference is to EHB 1118 as printed February 22, 2008.)

Senator WEATHERWAX